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VIA ECF

May 23, 2019

Re: *XL Insurance America, Inc. et al. v. DiamondRock Hospitality Co., et al.*, 1:18-cv-10025-AJN

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Dear Judge Nathan:

On behalf of all Plaintiffs in the above-captioned matter, I write pursuant to the Court's Individual Practices in Civil Cases § 1.A to advise the Court of a recent development in a related case that impacts the motion to dismiss or stay pending in the above-referenced action in this Court. As Your Honor will recall, the above-referenced action is not being litigated and all proceedings have been suspended while the motion to dismiss is pending, which has been fully submitted since January 25, 2019.

There is a related case pending in the U.S. Virgin Islands state court, and the new development is that the only extra party in the U.S. Virgin Islands case that was not also a party to the case here is now being dismissed from the U.S. Virgin Islands case pursuant to the parties' agreement. Specifically, the DiamondRock parties agreed to dismiss Princeton Excess and Surplus Lines Insurance Company from the case in the U.S. Virgin Islands. The result is that the parties in the two cases will be identical, a fact material to the pending motion to dismiss.

We are available to answer any questions you may have regarding this development or about the case generally. We are also available if the Court would like to schedule oral argument on the pending motion to dismiss or have the parties in for a preliminary conference [so the case does not stagnate].

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Mary Beth Forshaw
Mary Beth Forshaw

cc: All counsel of record (*by ECF*)